Rakoff J.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

v.

ADMINISTRATION FOR CHILDREN AND FAMILIES,

Defendant.

16 Civ. 1987 (JSR)

STIPULATION AND ORDER

WHEREAS, this action concerns plaintiff American Civil Liberties Union's ("ACLU's") request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 13, 2015, to defendant Administration for Children and Families ("ACF" or the "Government"), a component of the U.S. Department of Health and Human Services ("HHS"), for certain records regarding religious exemptions from ACF policies and regulations;

WHEREAS, on March 17, 2016, plaintiff ACLU filed this action against defendant ACF;

WHEREAS, ACF produced certain documents and withheld certain information in response to the ACLU's request;

WHEREAS, on September 12, 2016, the parties notified the Court by letter that they had resolved the merits of the underlying FOIA claims as to the ACLU's November 2015 request and would attempt to resolve the ACLU's claim for attorneys' fees and litigation costs;

WHEREAS, the parties have agreed to resolve this matter upon the terms and subject to the conditions set forth in this Stipulation and Order;

IT IS HEREBY STIPULATED AND AGREED, by and between the ACLU and the Government, and subject to endorsement by the Court, that:

1. ACF shall pay to the ACLU the sum of fourteen thousand dollars ($14,000) for attorneys' fees and litigation costs (the "Settlement Amount"). This payment shall constitute full and final satisfaction of any and all claims by the ACLU for attorneys' fees and litigation costs in this matter, and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for the ACLU will provide the necessary information for the Government to effectuate the transfer. The Government shall effectuate the transfer as soon as reasonably practicable after entry of this Stipulation and Order by the Court.

2. The ACLU releases and discharges ACF, the United States of America, and the United States of America's agencies, departments, officers, employees, servants, and agents from any and all claims and causes of action that the ACLU asserted, or could have asserted, in this litigation arising out of the ACLU's November 2015 FOIA request. In consideration for, and effective upon, payment of the Settlement Amount, this release and discharge includes any and all claims for attorneys' fees and litigation costs that the ACLU asserted, or could have asserted, in this litigation.

3. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that might arise relating the enforcement of this Stipulation and Order.

4. Nothing in this Stipulation and Order shall constitute an admission that the Government is liable for any attorneys' fees or litigation costs, or that the ACLU has "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or that the ACLU is entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the parties for the purpose of avoiding the expenses and risks of further litigation

concerning the ACLU's claim for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving either of the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records under FOIA.

5. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

6. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

Dated: October 27, 2016

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Counsel for Defendant

SO ORDERED.

Dated: 10/27/16
New York, New York

HONORABLE JED S. RAKOFF
United States District Judge